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Macomb County
Clerk/Register of Deeds

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January 19, 2010

The Honorable Fred Miller
Michigan State Representative
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative Miller:

I am writing to support House Bill 5456 to make it easier for voters to get an absent voter application form. This bill, with an amendment, would let elections officials send application forms to voters to get on a permanent absent voter application list.

While it would be even better to simply restore the ability and long-standing practice of elections officials to mass mail an AV application form to voters, this bill is an improvement over current case law because it would at least let elections officials send voters an application form that would let them get on a list to get an application form to get an absent voter ballot.

- The data clearly shows that when voters are informed about their voting rights, they vote.
- The government isn't shy about mass mailing tax bills but for some reason some elected officials want to limit the government from mass mailing absent voter application forms.
- Mass mailing absent voter application forms at bulk rate postage would save tax dollars because fewer individual requests would have to be sent at first-class postage rates.
- Any doubt about an election practice should be resolved in favor of action increasing voter participation.

When voters are not sent an absent voter application form, voter turnout falls. See the chart below comparing communities where seniors were not mass mailed AV applications in 2007 with communities where all seniors were mailed AV applications in 2008. These two May elections are a good comparison because they are not affected by national politics.

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clerksoffice@macombcountymi.gov

Fax-on-Demand
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Out-of-State: 310-575-5035

Register of Deeds

10 N. Main St.
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ABSENT VOTER BALLOTS ISSUED			
	May 2007	May 2008	
	AV apps not mass mailed	AV apps were mass mailed	Percentage Increase
Warren	5,591	8,173	46.2%
Mt. Clemens	558	830	48.7%
Lenox Twp.	366	438	19.7%
Washington Twp.	1,072	1,875	74.9%
Fraser	784	1,143	45.8%
Ray	123	247	100.8%
Bruce	405	600	48.1%
Roseville	1,717	3,055	77.9%
New Baltimore	251	673	168.1%

As a result of a Republican Party lawsuit, 2008 was the first year clerks did not mass mail AV applications. As a result, the data in the chart clearly shows absent voter turnout fell.

Another example, not on the chart, is Clinton Township, the state's largest township. In the 2006 November General Election the township had 10,549 absent ballots or 28%. In the August Primary there were 7,583 AVs or 50%. But in the January 2008 Presidential Primary, when absent voter turnout should have been higher due to cold weather and snow birds and national publicity, only 2,876 absent ballots or 21% were returned. Again the drop can be solely attributable to the fact that AV application forms were not mass mailed to eligible voters.

For many years clerks mass mailed absent voter application forms (not ballots) to voters. In 2006, the Michigan Republican Party recruited plaintiffs to sue me claiming they would suffer "irreparable harm" if all Macomb County senior citizens were given application forms for absent voter ballots. Even though the mailing was expressly authorized by a unanimous Macomb County Board of Commissioners and approved by the Macomb County Circuit Court, the Court of Appeals panel, including then Judge William Schuette ruled that sending absent voter application forms to voters caused irreparable harm to the Republican Party. (It an interesting side note that in this case Judge Schuette ruled in favor of the Michigan GOP's attorney, and that the Detroit News reported prior to the ruling that Schuette was at the same time considering seeking the GOP nomination for Attorney General.)

This doesn't just affect Macomb County. Prior to the ruling, all Oakland County local clerks mass mailed AV applications to seniors. Now they don't.

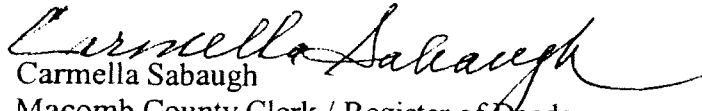
Although not part of this legislation, it would be help if the state adopted the system used in Macomb and Oakland Counties to prevent absent voter fraud. You may see my online antifraud system at

<http://www.macombcountymi.gov/clerksoffice/ElectionDept.htm#TrackAbsenteeBallot>.

It is important to note that this bill is about absent ballot application forms and not actual ballots. No clerk is proposing mass mailing an actual ballot unless a written request for one is received and verified.

Thank you for the work you are doing on behalf of our state!

Sincerely,


Carmella Sabaugh
Macomb County Clerk / Register of Deeds